



Appeal Decision

Site visit made on 12 January 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

Appeal Ref: APP/N4720/C/25/3365196

Land at 20-22 Harrogate Road, Rawdon, Leeds LS19 6HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mr Matt Chew against an enforcement notice (“the notice”) issued by Leeds City Council.
 - The notice was issued on 16 April 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a wooden framed extension to the front and an extract ventilation system to the side.
 - The requirements of the notice are to: (1) Dismantle and remove the unauthorised front extension; (2) Remove the unauthorised extract ventilation system; and (3) Remove any resulting debris from compliance with (1) and (2) from the land and make good any damage caused to the host building.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Act.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to the effect of the notice on the business and the local community, the absence of noise, emission and parking problems, the effect of the development on the character of the area, and the Council’s approach to restaurants. These would all be considered if an appeal had been made on the ground set out in section 174(a)¹ of the Act and a deemed planning application had been made. However, this appeal is not proceeding on ground (a) and planning permission has been refused for the extension and the extract system. An appeal against that decision has been dismissed, so those issues cannot be revisited in this appeal.

The appeal on ground (f)

3. An appeal on this ground may succeed if the steps required by the notice exceed what is necessary to remedy the breach of planning control or, depending on the purpose of the notice, to remedy any injury to amenity that the breach has caused. The notice requires everything that forms part of the breach of planning control to be dismantled and removed from the land, so its purpose is to remedy the breach and is not limited to any injury to amenity that may be caused.
4. The extension is built on the forecourt of the property and abuts the footway of Harrogate Road, so it is adjacent to a highway used by vehicular traffic. The

¹ That in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted, or as the case may be, the condition or limitation concerned ought to be discharged.

appellant states that the erection of a means of enclosure not exceeding 1m in height in this position is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”). Article 3 and Schedule 2, Part 2, Class A of the Order permit the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure not exceeding 1m in height in this position.

5. The appellant appears to suggest a lesser step of removing the roof and lowering the walls of the extension, so that the remaining fabric would act as a means of enclosure not exceeding 1m in height. It is unclear how this would be achieved or exactly what the resulting structure would look like.
6. Regardless of any uncertainty, a means of enclosure falls within the definition of a building in section 336(1) of the Act and Article 2(1) of the Order. This is significant because Article 3(5) of the Order provides that any permission it may grant does not apply if the building operations involved in the construction of an existing building are unlawful. As the proposed means of enclosure is part of a building that was constructed unlawfully, the Order does not permit it, so what is proposed is development requiring an express grant of planning permission. The Order may permit the erection of a new means of enclosure not exceeding 1m in height after the notice has been complied with but that is not material to this appeal.
7. For these reasons, and as no lesser steps that would remedy the breach of planning control have been identified, the appeal on this ground must fail.

The appeal on ground (g)

8. An appeal on this ground may succeed if the period allowed for compliance with the notice falls short of what should reasonably be allowed. However, the appellant has not given any reason why the 2-month period allowed by the notice is inadequate and he has not suggested an alternative period.
9. Accordingly, it has not been demonstrated that the period allowed for compliance with the notice is unreasonable and the appeal on this ground must fail.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice.

Mark Harbottle

INSPECTOR